

McKool Smith

Kyle A. Lonergan
Direct Dial: (212) 402-9425
klonergan@mckoolsmith.com

One Manhattan West
395 9th Avenue, 50th Floor
New York, NY 10001

Telephone: (212) 402-9400
Facsimile: (212) 402-9444

July 5, 2022

Via ECF and E-Mail

The Honorable Andrew L. Carter, Jr.
United States District Judge
United States District Court Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

**Re: *Kennedy Lewis Partners Master Fund, et al. v. Abry Partners, LLC, et al.*,
21-cv-04690**

Dear Judge Carter:

I write on behalf of Plaintiffs Kennedy Lewis Partners Master Fund LP and Kennedy Lewis Partners Master Fund II LP (collectively, “Plaintiffs”) to inform the Court that Judge Christopher S. Sontchi has retired from his position as Bankruptcy Judge for the United States Bankruptcy Court for the District of Delaware, effective June 30, 2022. A copy of the press release announcing Judge Sontchi’s retirement is attached as Exhibit A.

Judge Sontchi’s retirement presents an additional reason why this Court should reject Defendants’¹ request that this case be transferred to the District of Delaware. *See* Dkt. 48 at 23-25; Dkt. 56 at 9-10.² In support of their motions to transfer, Defendants repeatedly argue that Judge Sontchi is the “appropriate jurist” to hear this dispute because of his experience presiding over the underlying bankruptcy case. (Dkt. 48 at 25); *see also id.* at 4 (“[Judge Sontchi] well knows the applicable facts and law; and he is best positioned to evaluate Plaintiffs’ theory”; (*id.* at 25) (“Judge Sontchi is ‘best positioned to analyze its own [orders] which ... are implicated in both the substance of [Plaintiffs’] claims and [Defendants’] potential defenses’”) (*id.* at 25) (brackets in original)).

Judge Sontchi’s retirement renders Defendants’ arguments for transfer moot. For this reason, as well as those set forth in Plaintiffs’ opposition brief (Dkt. 53), Defendants’ motions to dismiss or transfer should be denied.

¹ Defendants refers to Abry Partners, LLC, Apex Credit Partners, LLC, CIFIC Asset Management LLC, Ellington Management Group, L.L.C., Trimaran Advisors Management, L.L.C (collectively, the “Lender Defendants”), and Wilmington Savings Fund Society’s (“WSFS”).

² WSFS joined, and incorporated into its motion to dismiss, the Lender Defendants’ arguments for transfer of this case. Dkt. 51 at 1.

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Respectfully submitted,

/s/ Kyle A. Loneragan

Kyle A. Loneragan

cc: All counsel of record (via ECF)

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**



Bankruptcy Judge Christopher S. Sontchi To Retire

The United States Bankruptcy Court for the District of Delaware announces that Judge Christopher S. Sontchi has declared his intention to retire, effective June 30, 2022. Immediately following his retirement, Judge Sontchi will commence service as an International Judge of the Singapore International Commercial Court where he will be focusing on insolvency matters.¹ In addition, he will be privately engaged in, among other things, conducting mediations and arbitrations in Delaware and elsewhere.

Judge Sontchi joined the Delaware Bankruptcy Court in 2006 and served as Chief Judge from 2018 to 2021. During his tenure, he has presided over numerous significant Chapter 11 cases, including Catholic Diocese of Wilmington, American Home Mortgage, Energy Future Holdings Corp., Visteon, Six Flags, MolyCorp, Borden Dairy, Exide Technologies, Brooks Brothers, and Eagle Hospitality. He has also served as the Court-appointed mediator in many Chapter 11 cases, including Tidewater, Vivus, and Mallinckrodt.

Judge Sontchi is a Lecturer in Law at the University of Chicago Law School and has taught restructuring to international judges through the auspices of the World Bank and INSOL International. He is also a member of the International Insolvency Institute, Judicial Insolvency Network, National Conference of Bankruptcy Judges, American Bankruptcy Institute and INSOL International. He has testified before Congress on bankruptcy matters, and he has published articles on creditors' committees, valuation, asset sales and safe harbors.

Judge Sontchi attended the University of North Carolina at Chapel Hill where he was elected to *Phi Beta Kappa* and obtained a B.A. with distinction in Political Science. He received his J.D. from the University of Chicago Law School, after which he returned to his native Delaware to serve as a law clerk to the late Justice Joseph T. Walsh in the Delaware Supreme Court.

Until his retirement date, Judge Sontchi will remain active with his cases.

¹ <https://www.pmo.gov.sg/Newsroom/Appointments-of-Judges>